

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

PEDRO F. GONZALES, JR.,

Plaintiff,

v.

**COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

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Civil Action No. 7:22-cv-00119-O-BP

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court are Plaintiff's Counsel's Unopposed Motion and Brief for Attorney Fees Under the Equal Access to Justice Act filed November 8, 2023. ECF No. 26. The Commissioner has not filed a response. After reviewing the Unopposed Motion and applicable legal authorities, the undersigned **RECOMMENDS** that United States District Judge Reed O'Connor **GRANT** the Unopposed Motion.

The Court finds that Plaintiff, Pedro F. Gonzales, Jr., was the prevailing party in this case. The Court further finds, pursuant to 28 U.S.C. § 2412(d)(2)(A), that the appropriate hourly rate at which to award fees in this case is \$224.12 per hour for service performed in 2022 and \$230.00 for service performed in 2023. The Court further finds that Plaintiff is entitled to attorney fees for compensation for service performed in 2022 and 2023 in the total amount of \$10,495.89 as requested in the Unopposed Motion.

Accordingly, the undersigned **RECOMMENDS** that Defendant be **ORDERED** to pay Plaintiff Pedro F. Gonzales, Jr., in care of Karl E. Osterhout, an attorney, attorney fees under the

Equal Access to Justice Act in the total amount of \$10,495.89 for service performed in 2022 at the hourly rate of \$224.12 and for service performed in 2023 at the hourly rate of \$230.00.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED on January 11, 2024.



Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE